

Message Text

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72

ACTION DLOS-07

INFO OCT-01 ARA-16 EUR-25 ISO-00 FEA-02 SWF-02 IO-14 OIC-04

COA-02 EB-11 JUSE-00 INT-08 COME-00 DOTE-00 NSF-04

OMB-01 TRSE-00 SCI-06 CEQ-02 AGR-20 ACDA-19 AEC-11

CG-00 FMC-04 EPA-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

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FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 6430

INFO AMEMBASSY BOGOTA

AMEMBASSY CARACAS

AMEMBASSY MADRID

AMEMBASSY MEXICO

AMEMBASSY PARIS

AMEMBASSY SANTO DOMINGO

USMISSION USUN

AMEMBASSY LONDON

C O N F I D E N T I A L MONTEVIDEO 1129

E.O. 11652: GDS

TAGS: PBOR, DR

SUBJECT: LOS CONSULTATIONS - DOMINICAN REPUBLIC

1. SUMMARY. LOS TEAM HELD TWO MEETINGS WITH GODR LOS EXPERTS. TEAM WELL RECEIVED AND DISCUSSION USEFUL. GODR, WHILE NOT AS SOPHISTICATED IN LOS THINKING AS MORE ACTIVE MEMBERS OF SB COMMITTEE, NONETHELESS HAS GOOD GRASP OF ISSUES AND UNDERSTANDS MOST US POSITIONS. TEAM FEELS GODR SHOULD BE ENCOURAGED TO PLAY MORE ACTIVE ROLE AMONG LA GROUP, AND LAID GROUNDWORK FOR THIS. GODR POSITON BASED ON AND ROUGHLY PARALLEL TO SANTO DOMINGO DECLARATION, BUT THEY INDICATED FLEXIBILITY ON CONTENT
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OF REGIMES. END SUMMARY.

2. AFTER COMPREHENSIVE BRIEFING ON GODR'S ATTITUDE AND TEAM APPROACH BY AMBASSADOR AND EMBOFFS ON MORNING APRIL 19, AMBASSADOR AND TEAM MADE CALL ON DR. PEDRO PADILLA-TONOS, ACTING FOREIGN SECRETARY. FOLLOWING CALL, CONSULTATIONS HELD WITH GODR LOS EXPERTS. PRESENT WERE:

DR. ARMANDO OSCAR PACHECO, TECHNICAL AMBASSADOR
DR. HORACIO VICIOSO-SOTO, LEGAL ADVISER TO FOREIGN SECRETARIAT
DR. ELADIO KNIPPING-VICTORIA, SUB-CHIEF, DIVISION OF OAS, UN,
AND INTERNATIONAL CONFERENCES AFFAIRS
CAPTAIN OSCAR PEREZ-MOTA, NAVY CHIEF, HYDROGRAPHER

KNIPPING, WHO IS MOST KNOWLEDGEABLE OF PARTICIPANTS, WILL BE AT CARACAS. PEREZ AND PADILLO WILL ATTEND FOR SHORT TIME. VICIOSO ENCOURAGED TEAM TO REGARD HIM AS CONTACT POINT IN GODR.

3. CONSULTATIONS HELD IN TWO SESSIONS. BASIC US POSITIONS AND ATTITUDE TOWARD CONFERENCE DESCRIBED. GODR CONCURS THAT IT WILL BE IMPORTANT TO MOVE CONFERENCE TO NEGOTIATIONS ON SUBSTANCE EARLY, AND INDICATED THEY WILL BE TAKING THIS POSITION. CONCERNING INDIVIDUAL ISSUES, FOLLOWING POINTS DISCUSSED:

A. TERRITORIAL SEA AND STRAITS: GODR ADHERES TO CONCEPT OF 12 MILE T/S, BUT STRESSED THAT THIS WAS A MAXIMUM FIGURE, AND A STATE COULD CLAIM LESS. GODR ALSO ADAMANT IN OPPOSITION TO CLAIMS IN EXCESS OF 12 MILES OR TO RESTRICTIONS ON NAVIGATION. THEY SEEMED PREOCCUPIED BY POSSIBILITY LOS TREATY WOULD LEAVE DOOR OPEN TO LOCAL AGREEMENTS ON BROADER TERRITORIAL SEA. TEAM UNCLEAR ON REASON FOR THIS, BUT OTHER STATES IN REGION MAY HAVE RAISED THIS ISSUE. ON THE STRAITS ISSUE, THEY UNDERSTAND PROBLEM OF COASTAL STATE REGULATION AND INDICATED THAT THEY INTEND TO WORK FOR HEMISPHERIC UNITY ON THE ISSUE. GODR INTERESTED IN QUESTION OF LIABILITY FOR ACCIDENTS OCCURRING IN STRAITS. THEY INDICATED CONCERN ABOUT "SOME SHIPS WHICH ARE MORE DANGEROUS THAN OTHERS", BUT UNDERSTOOD NEED FOR TREATY STANDARDS TO SOLVE PROBLEM RATHER THAN COASTAL STATE REGULATION. PEREZ-MOTA SEEMED SYMPATHETIC WITH US MILITARY CONCERNS, INCLUDING SUBMERGED TRANSIT. KNIPPING, WHO HAD PLAYED ROLE IN JOINT COMMUNIQUE WITH SPAIN ENDORSING INNOCENT PASSAGE, SEEMED UNCOMFORTABLE DURING DISCUSSION OF THIS ISSUE.
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TEAM'S OVERALL IMPRESSION IS THAT GODR MAY BE LOOKING FOR A WAY OUT OF ITS COMMITMENT TO SPAIN, BUT WOULD BE DELIGHTED IF US-SPANISH AGREEMENT RELIEVED THEM OF PROBLEM. ONE GODR OFFICIAL TOLD EMBOFF AFTER US POSITION EXPLAINED THAT GODR WAS "WRONG" IN SIGNING COMMUNIQUE.

B. COASTAL STATE SEABED RESOURCES: DISCUSSION EVOLVED INTO VERY USEFUL COMPARISON OF PATRIMONIAL SEA AND OUR C/S SEABED

ECONOMIC AREA PROPOSAL. AT END OF DISCUSSION, KNIPPING STATED THAT "WE ARE VERY, VERY CLOSE TO AGREEMENT." GODR ENDORSED THE CONCEPT OF INTERNATIONAL TREATY STANDARDS, EXCEPT FOR INTEGRITY OF INVESTMENT PROVISIONS, WHICH THEY HAD OBVIOUSLY NOT THOUGHT THROUGH. IN REVEALING DISCUSSION OF CIRCUMSTANCES SURROUNDING DRAFTING OF SANTO DOMINGO DECLARATION, KNIPPING STATED THAT THE GROUP WAS EXTREMELY DIVIDED ON THE QUESTION OF THE OUTER BOUNDARY OF THE SHELF, WAS ULTIMATELY UNABLE TO REACH AGREEMENT, AND THAT FORMULATION WHICH WAS USED WAS STRICTLY A COMPROMISE. HE IS OF PERSONAL OPINION THAT STRICT 200 MILE LIMIT IS PREFERABLE, BUT FEARS THIS MAY BE STICKING POINT IN THE CONFERENCE.

C. FISHERIES: GODR STRONGLY ENDORSES ZONAL CONCEPT, HOWEVER THEY INDICATED OPEN SUPPORT FOR OUR POSITION ON HIGHLY MIGRATORY AND ANADROMOUS SPECIES, STATING ANYTHING ELSE WAS "UNWORKKABLE". IN DICUSSION OF INTERNATIONAL OBLIGATIONS FOR CONSERVATION AND FULL UTILIZATION, GODR SUPPORTED THESE CONCEPTS, SO LONG AS COASTAL STATE RETAINED RIGHT TO REGULATE FOREIGN FISHING AND HAD PREFERENTIAL HARVESTING RIGHTS.

D. MARINE SCIENTIFIC RESEARCH: GODR UNWILLING TO RETREAT FROM SANTO DOMINGO FORMULATION OF "DUTY OT ENCOURAGE AND RIGHT TO REGULATE," BUT INDICATED THAT THEY COULD POSSIBLY AGREE TO INTERNATIONAL OBLIGATIONS SUCH AS THOSE IN OUR ARTICLES. THEY ARE PARTICULARLY CONCERNED ABOUT THEIR ABILITY TO ENFORCE A CONSENT REGIME AS WELL AS THEIR LACK OF SCIENTIFIC EXPERTISE, BUT HAVEN'T SOLIBOFIED THEIR POSITION ON THIS SUBJECT AS YET, SO ARE STICK-ING TO SANTO DOMINGO DECLARATION.

E. POLLUTION: GODR IS CONCERNED ABOUT POLLUTION OF THEIR BEACHES, BUT APPARENTLY HAS NOT ANALYZED PROBLEM IN LOS CONTEXT IN ANY DETAIL. THEY SEEMED TO UNDERSTAND OUR ARGUMENTS AGAINST COASTAL STATE CONSTRUCTION STANDARDS.
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F. COMPULSORY DISPUTE SETTLEMENT: GODR EXPRESSED SUPPORT FOR CDS IN PRINCIPLE, BUT AGAIN ARE NOT VERY ADVANCED IN THEIR THINKING ON THE SUBJECT.

3. COMMENT: EMBASSY AND TEAM ASSESSMENT IS THAT GODR WILL BE INCLINED TO SUPPORT US ON MOST ISSUES IF THEY ARE FULLY AWARE OF OUR POSITION AND IT DOES NOT BLATANTLY CONTRADICT THEIR OWN INTERESTS. WHILE THEIR THINKING ON LOS ISSUES NOT ADVANCED TO POINT OF SOME OTHER LATINS, THEY HAVE GRASP OF BASIC ISSUES, AND SEEM TO SEE THEMSELVES AS MEDIATOR. IT IS INTERESTING TO NOTE THAT LATIN COUNTRIES WITH MOST DIPLOMATIC INFLUENCE IN SANTO DOMINGO ARE VENEZUELA, MEXICO, AND COLOMBIA. LOS TEAM BELIEVES GODR IN UNIQUE POSITION TO BE HELPFUL IN NEGOTIATIONS WITH LATINS.

4. NOTE ON KNIPPING. KNIPPING HIMSELF IS MARRIED TO SPANIARD, AND SPENT TWO YEARS IN DR EMBASSY THERE; HIS WIFE WAS OEPNLY CRITICAL OF ECUADOR LOS POSITION. HE SAYS HE IS PERSONAL FRIEND OF BOTH ANDRES AGUILAR AND GREGORIO LOPEZ-BRAVO, AND APPARENTLY PLAYED ROLE IN FORMULATION OF SANTO DOMINGO DECLARATION. AS A RESULT, HE PROBABLY HAS SOME PERSONAL CREDIBILITY WITH OTHER LATINS. AT SAME TIME, BY VIRTUE OF OUR RELATIONS WITH GODR, HE IS UNLIKELY TO BE AUTHORIZED TO TAKE ANY ACTION WHICH IS DIRECTLY IN OPPOSITION TO US.

5. RECOMMENDATION: USG SHOULD MAINTAIN CONTINUING LIAISON WITH GODR THROUGH AMEMBASSY SNATO DOMINGO. AT CONFERENCE, PERSONAL CONTACT WITH KNIPPING WOULD PROVIDE US DEL WITH INSIGHTS INTO CURRENT THINKING OF LATIN GROUP AND PROVIDE POINT OF CONTACT FOR PRIVATE COMMUNICATION OF OUR POSITIONS. LOS TEAM BELIEVES KNIPPING WILL INSTINCTIVELY ACT AS MEDIATOR IF HE CAN BE ENCOURAGED TO TAKE AN ACTIVE ROLE AND AT SAME TIME MAINTAIN HIS PERSONAL CREDIBILITY WITH THE OTHER LATINS. WE STRONGLY RECOMMEND THIS ROLE, AS FRIENDLY VOICE BE ENCOURAGED WITHIN LA GROUP MORE IMPORTANT THAN AUTOMATIC PUBLIC ENDORSEMENTS, AND US ACCORDINGLY HAS MAJOR INTEREST IN COOPERATING WITH GODR IN ITS DESIRE TO PROTECT ITS CREDIBILITY AS MEMBER OF SANTO DOMING GROUP.
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